



CITY OF HAYWARD

AGENDA REPORT

Meeting Date 02/13/03
Agenda Item 2

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: **Appeal of the Planning Director's Denial of Administrative Use Permit Application No. PL-2002-0325 - Scott Blethroad for Scotty's Auto Body & Towing (Applicant); Industrial Pacific Partners (Owner):** Request to Operate a Towing Business in conjunction with an Existing Auto Body Repair Shop

The Project Location Is 29699 Pacific Street, at the Corner of Industrial Parkway West, in an Industrial (I) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission uphold the Planning Director's decision to deny the Administrative Use Permit, subject to the attached findings.

BACKGROUND

The property, located at the northwesterly corner of Pacific Street and Industrial Parkway West, was developed in 1993 with two buildings designed for automotive-related or other industrial uses. The subject building was approved for use as an auto body shop and Maaco occupied the building from 1993 to 1999. Scotty's Auto Body and Towing was issued a business license in June 2000 for destination towing only in conjunction with the auto body shop. Vehicles towed to this location must be repaired at this location. Vehicles may also be towed to other repair shops or people's homes. The business was not to include automobile storage and impounding.

The Community Preservation Division received a complaint from a resident living across the train tracks to the west in October 2001 regarding nighttime noise from tow trucks. Staff found that cars are being towed to this location and are transported to other shops for repair while some remain in the lot awaiting insurance claim approval. Scotty's Towing operates 24 hours a day and tows cars for the American Automobile Association, the Alameda County Sheriff's Department and the California Highway Patrol. Some of the cars towed to the facility are repaired in the body shop while others are impounded or stored while awaiting further disposition. As a result of Community Preservation action, an application was filed for an Administrative Use Permit for a towing facility as required by the Industrial District.

The Planning Director denied the Administrative Use Permit on December 16, 2002. On January 2, 2003, the applicant submitted an appeal of the decision to the Planning Commission.

DISCUSSION

The General Plan designation for the property is IC (Industrial Corridor), which supports planned business and industrial parks. These parks may be adjacent to residential areas subject to design and use restrictions to ensure compatibility. The IC land use description states, "Other industrial development may be appropriate if compatible with adjacent industrial parks or residential areas." Given the traffic and nighttime noise generated by a 24-hour operation, a towing yard may not be compatible with a nearby residential area.

The zoning of the property is Industrial, which allows for an auto body shop as a primary use. An automobile towing yard requires approval of an Administrative Use Permit. Approval of the Administrative Use Permit is discretionary. In order to approve the permit, it must be found that the use will be compatible with surrounding land uses and that it will not impair the character and integrity of the zoning district and surrounding area. Although the properties on Pacific Street are zoned Industrial, this site is located at a transition point from industrial uses on Pacific Street to residential and other commercial uses on Industrial Parkway.

Industrial Parkway is designated as a Connector Street in the Hayward Landscape Beautification Plan. The Connector Streets (others include Mission Boulevard, Hesperian Boulevard, and Tennyson Road) are intended to link neighborhoods to each other and the surrounding region. The property has only a 10-foot landscape area, which is not sufficient to screen tow trucks parked in the parking lot while providing necessary visibility for security. The facility typically operates with the gate to the fenced parking area open during business hours to facilitate customer access. Cars awaiting repair as well as towed vehicles awaiting further disposition are visible through this open gate from Industrial Parkway. The tow trucks are kept in the open parking area and on Pacific Street.

On June 4, 2002, staff visited the site and observed tow trucks parked on Pacific Street and wrecked cars stacked in the aisles of the fenced parking area. On November 19, 2002, staff visited the site and observed tow trucks parked in the main parking lot also. On the mornings of November 25, 2002 and December 3, 2002, staff again observed tow trucks parked on Pacific Street and wrecked cars stacked in the aisles of the fenced parking area which pose a fire hazard.

Based on observation of the way the towing facility has been operating, the proposal is inconsistent with the following Design Guidelines that apply to industrial uses:

- Screen loading and service areas on major streets like Industrial Parkway that are also used to access residential areas. (p. 41)
- Screen parking for autos and trucks, exterior storage and trash bins, etc., with earth berms, planting, walls, fences, grade changes or a combination of these elements. (p. 41)


The following Design Guideline applies to industrial uses located within 400 to 600 feet of a residential area:

- Screen outdoor storage facilities near residential areas. No outdoor storage should be visible from a residence or along a street serving residences unless it serves needs of residents... Auto salvage yards are considered unsightly. (p. 41)

operate in accordance with the terms stated in the business license. The applicant may also appeal the decision to the City Council or relocate the business.

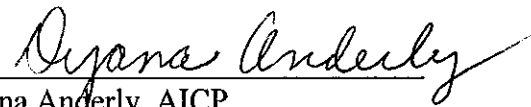
If the Commission decides to approve the permit, staff will prepare an environmental Initial Study, findings and conditions for approval. Conditions would include requirements that the towing trucks and the towed vehicles may only be parked or stored inside the fenced parking area and that the chain-link fencing be upgraded to a masonry wall, as well as other physical improvements and operational standards.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

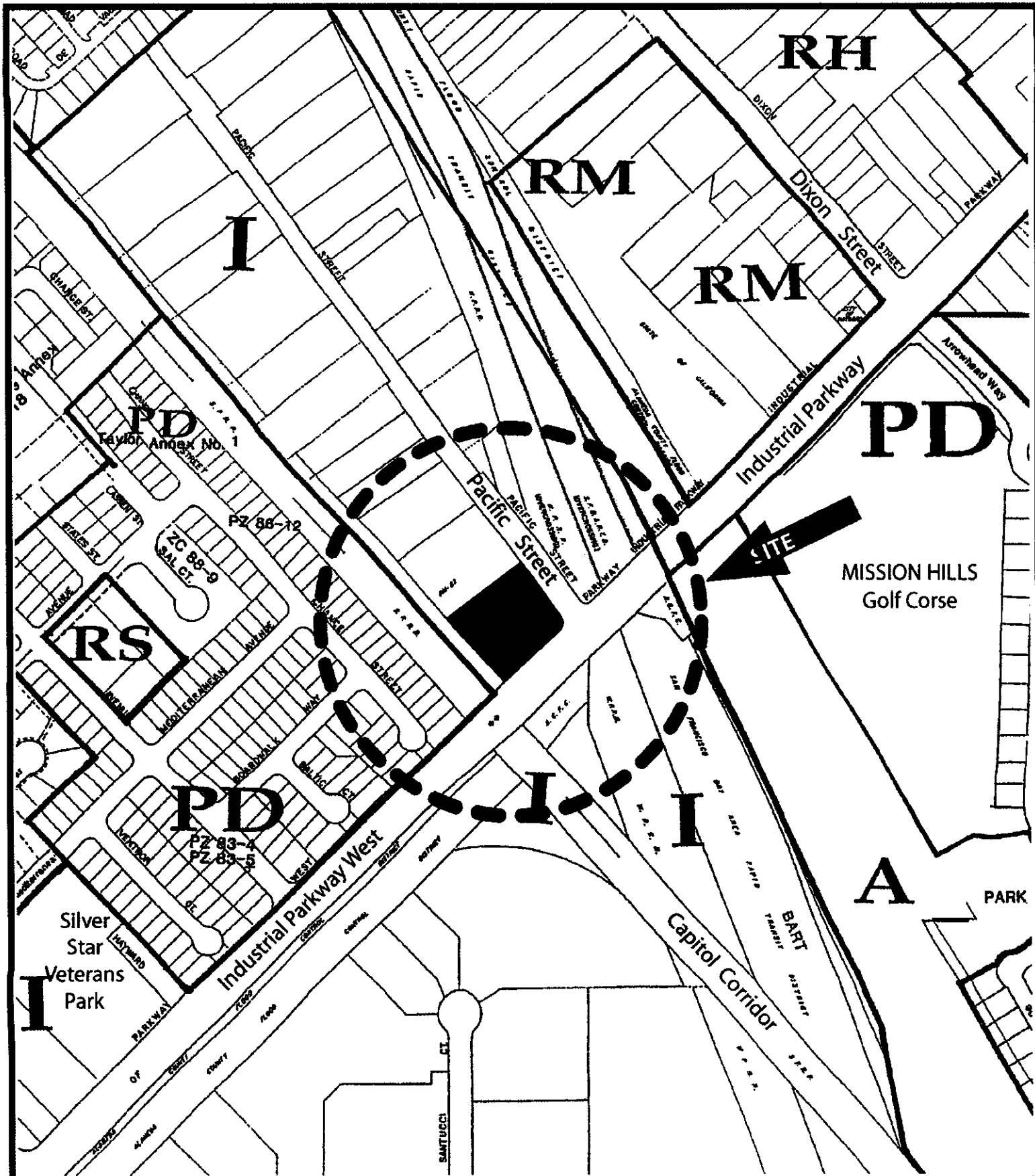
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Denial of Administrative Use Permit Application No. 2002-0325
- C. Letter from neighbor dated June 24, 2002
Plans



Area & Zoning Map

PL-2002-0325 AUP

Address: 29699 Pacific Street

Applicant: Scott Blethroad

Owner: Industrial Pacific Partners

A-Agricultural

CN-Neighborhood Commercial

I-Industrial

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB

RS-Single-Family Residential



FINDINGS FOR DENIAL

ADMINISTRATIVE USE PERMIT APPLICATION NO. PL-2002-0325

Scott Blethroad for Scotty's Auto Body & Towing (Applicant);

Industrial Pacific Partners (Owner)

29699 Pacific Street

Request to operate a towing business in conjunction with an existing auto body repair shop.

- A. The proposed use is not desirable for the public convenience or welfare in that, with the proximity to Industrial Parkway and the positive planning efforts underway along this connector street, a towing yard is considered unsightly. Its location at a transition point between industrial and residential and commercial uses is not consistent with the Design Guidelines.
- B. The proposed use will impair the character and integrity of the zoning district and surrounding area in that tow trucks and a vehicle storage yard would be visible from a major Connector Street, BART and the Capitol Corridor train.
- C. The proposed use may be detrimental to the public health, safety, or general welfare in that the use would be unsightly when viewed from Industrial Parkway, which serves residential areas, a park, and a golf course. The residential area only 135 feet away would be negatively impacted by the traffic and nighttime noise generated by the towing yard.
- D. The proposed use is not in harmony with applicable City policies such as the Industrial Corridor General Plan designation, the City's Design Guidelines and the Landscape Beautification Plan. The towing yard would be more appropriate on an industrial property not fronting on a major street shared by residential areas.

ATTACHMENT B

June 24, 2002

Erik J. Pearson, AICP, Associate Planner
Planning Division
777 "B" Street
Hayward, Ca 94541

Re: PL-2002-0325 AUP
Scott Blethroad (Applicant)
Industrial Pacific Partners (Owner)

Dear Erik Pearson,

Thank you for the opportunity to comment on the above project. At this time, myself and others are not in support of this project. We find that this type of operation is inappropriate so close to our community.


Unfortunately, we have already witnessed activity associated with this operation taking place on the street. A car was being repaired on the street which is in violation of our city ordinance. Therefore, we fear that if this operation tows on a regular basis, streets in the vicinity could turn into an automotive repair boulevard!

Directly across and adjacent to this property is the flood control channel. Often oil, grease and other chemicals find their way into the creek through urban runoff which we now know kills wildlife. We cannot be ever guaranteed that all towed cars will not leak oil, anti-freeze, etc. which is why we feel that towing should be confined to spaces west of 880 and not close to creeks or residential uses where neighbors have to view this type of business on a regular basis.

Currently, we are aggressively pursuing development more compatible with residential and office commercial uses. We strongly disagree with and now discourage any further additional automotive uses as we are overwhelmed with automobile businesses in our area.

We will support residential, office, small commercial or restaurants to name a few, and will consistently discourage those operations that are a constant source of pollution and incompatible with residential usage.

Sincerely,


Holly Z. Rogers
31730 Chicoine Ave.
Hayward, Ca 94544